

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Mobile Relay Associates	)	File No. EB-FIELDWR-13-00006950
Licensee of Station WPPF234	)	
Malibu, California	)	NOV No. V201332900014
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: March 20, 2013**

By the Acting District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),<sup>1</sup> to Mobile Relay Associates, licensee of radio station WPPF234 in Malibu, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On July 12, and November 19, 2012 and January 9, and 15, 2013, an agent of the Enforcement Bureau’s Los Angeles Office monitored radio station WPPF234 located on Saddle Peak in Malibu, California and observed the following violations:

- a. 47 C.F.R. § 90.403(c): “Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to Part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum.” At the time of the investigation, the agent observed that WPPF234 was transmitting on 151.7825 MHz and 152.2925 MHz nearly continuously.
- b. 47 C.F.R. § 90.403(e) “Licenses shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” At the time of the investigation, agents monitored WPPF234 and observed digitally modulated continuous signals on 151.7825 MHz and on 152.2925 MHz. Specifically, the continuous transmissions from WPPF234 on 151.7825 MHz with bandwidth of 11.2 KHz interfered with communications of adjacent channel licensees centered on 151.775 MHz, and the continuous transmissions from WPPF234 on 152.2925 MHz interfered with the communications of a co-channel licensee. The agent observed no evidence of monitoring the transmitting frequencies for communications in process or other measures to avoid interference by WPPF234.

3. On January 16, 2013 an agent of the Los Angeles Office inspected radio station WPPF234 located on Saddle Peak in Malibu, California and observed the following violation:

- a. 47 C.F.R. § 1.903(a): “*General rule.* Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” The WPPF234 license authorized trunked operations in the Industrial Radio Service. At the time of the inspection the station was not using trunking technology and all communications between the base station on 151.7825 MHz and mobile units on 159.8775 MHz were on a single channel pair. In addition, all communications between the base station on 152.2925 MHz and mobile units on 157.5525 MHz were not using trunking technology.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mobile Relay Associates must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct Mobile Relay Associates to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Mobile Relay Associates, with personal knowledge of the representations provided in Mobile Relay Associates’ response, verifying the truth and accuracy of the

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

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information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Office  
18000 Studebaker Rd., #660  
Cerritos, CA 90703

7. This Notice shall be sent to Mobile Relay Associates at its address of record.

8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Margaret M. Egler  
Acting District Director  
Los Angeles Office  
Western Region  
Enforcement Bureau

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<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).